

ARTICLE APPEARED
ON PAGE 12-AWASHINGTON TIMES
15 May 1987

Soliciting funds for Contras seen as legal by White House

By Willis Witter
THE WASHINGTON TIMES

The Reagan administration never considered it illegal to solicit humanitarian or military aid for the Nicaraguan resistance from other countries, White House spokesman Marlin Fitzwater said yesterday.

The so-called Boland Amendment, which prohibited administration aid to the Contras, "related to the power of Congress to control the federal purse and prohibit or limit certain expenditures," said Mr. Fitzwater, reading a statement prepared by the White House counsel's office.

"None [of the Boland Amendments] contained any language which limited the constitutional and historical power of the president to conduct foreign policy," he said.

That position, held by White House Counsel Arthur B. Culvahouse and his predecessors, is sharply disputed by many lawmakers who say the Boland Amendment, in effect from Oct. 3, 1984, to Dec. 18, 1985, banned such activities.

The law "clearly prohibited" administration efforts to solicit third-country aid for the Contras, said one congressional attorney who helped draft the measure.

The wording of the law, however, appears less than precise.

The law states: "During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual."

A revised version of the Boland Amendment, which took effect in

THE BOLAND AMENDMENT

Here is the key paragraph of the law sponsored by Rep. Edward P. Boland, Democrat of Massachusetts, that was in effect from October 1984 through mid-December 1985, during many of the events of the Iran-Contra affair.

No funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

December 1985, specifically permitted third-country solicitations. In all, there were five different versions of the Boland Amendments in effect from December 1982 until October 1986.

The Boland Amendment, named for its sponsor Rep. Edward Boland, Massachusetts Democrat, does not provide penalties against violators. But independent counsel Lawrence Walsh, who is investigating the Iran-Contra matter, is reportedly considering whether violating the Boland Amendment could constitute illegal activity under federal conspiracy laws.

Much of the controversy centers on donations to the Contras by Saudi Arabia and Taiwan in 1984 and 1985.

President Reagan and former National Security Adviser Robert McFarlane have repeatedly denied asking for aid, even though Mr. Reagan admitted discussing it with Saudi King Fahd in a February 1985 meeting at the White House.

Mr. Reagan has also said he had no knowledge of any administration officials soliciting aid for the Contras.

Mr. Fitzwater said the president

had no knowledge of any "illegal" solicitations.

The president, according to Mr. Fitzwater, did know about a successful August 1986 effort to solicit a \$10 million donation to the Contras from the sultan of Brunei.

The legality of that donation has not been questioned because it occurred after the revised Boland Amendment took effect.

The issue of whether administration officials violated the amendment by soliciting aid to the Contras was raised again yesterday at congressional hearings investigating the Iran-Contra affair when Gaston Sigur, an assistant secretary of state who previously served on the National Security Council staff, admitted asking a country — believed to be Taiwan — to contribute to the Contras in mid-1985.

And in his testimony at the same committee Wednesday, former National Security Adviser Robert McFarlane said some administration officials tried to figure out legal justifications to get around the ban.

"It was clear to me Mr. Boland didn't want anybody in the U.S. government assisting the Contras," Mr. McFarlane said.

STAT